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VIA FACSIMILE (703) 872-9302

9D-HR-19406  
PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Holmes et al. : Art Unit: 3744  
Serial No.: 09/754,600 : Examiner: Harry B. Tanner  
Filed: January 5, 2001 :  
For: REFRIGERATOR SYSTEM AND :  
SOFTWARE ARCHITECTURE :

## RESPONSE TO RESTRICTION REQUIREMENT

FAX RECEIVED

Mail Stop: Non-Fee Amendment  
Hon. Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

AUG 12 2003

GROUP 3700

Sir:

In response to the Office Action dated July 10, 2003, Applicants elect for prosecution in this application all claims that belong to Group I, i.e., claims 9-13 and 26-30.

Reconsideration of the restriction requirement imposed under 35 U.S.C. §121 is respectfully requested.

A restriction to one of invention I, consisting of claims 2 and 19, drawn to a quick chill operation, classified in class 62, subclass 157, invention II, consisting of claims 4 and 21, drawn to dispenser operation, classified in class 62, subclass 135, invention III, consisting of claims 5 and 22, drawn to fan control, classified in class 62, subclass 131, invention IV, consisting of

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claims 6 and 23, drawn to a temperature rolling average operation, classified in class 62, subclass 130, invention V, consisting of claims 7 and 24, drawn to a defrost operation, classified in class 62, subclass 151, and invention VI, consisting of claims 9-13 and 26-30, drawn to a damper control, classified in class 62, subclass 187 was imposed. Claims 1, 3, 8, 14-18, 20, and 25 were indicated as being examined along with the claims directed to the elected invention. In response, Applicants elect with traverse to prosecute the invention of Group VI, claims 9-13 and 26-30.

The requirement for election is traversed because the inventions set out by the claims in Groups I through VI are clearly related. Applicants note that all the cited Claim Groups each fall within Class 62, and submit that a thorough search and examination of any Group would be relevant to the examination of the other Groups and would not be a serious burden on the Examiner. Additionally, requirements for election are not mandatory under 35 U.S.C. §121. Accordingly, reconsideration of the election requirement is requested.

Respectfully Submitted,



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